THE SECRETARY OF THE NAVY
WASHINGTON, D.C. 20350-1000

05 OCT 2004

From: Secretary of the Navy
To: Lieutenant General Robert Magnus, USMC (AV)

Subj: PRECEPT CONVENING A SELECTION BOARD TO RECOMMEND OFFICERS OF THE MARINE CORPS ON THE ACTIVE-DUTY LIST FOR PROMOTION TO THE GRADE OF MAJOR GENERAL

Encl: (1) Supplemental Guidance for Major General Promotion Selection Board

1. Members. A selection board is appointed, consisting of yourself as president and the following additional members, for the consideration of officers of the Marine Corps on the active-duty list for promotion to the grade of major general:

Lieutenant General Robert M. Shea, USMC (JT/GR)
Lieutenant General Robert R. Blackman, Jr., USMC (GR)
Lieutenant General James F. Amos, USMC (AV)
Major General Gordon C. Nash, USMC (GR)
Major General James N. Mattis, USMC (GR)
Major General Emerson N. Gardner, Jr., USMC (AV)
Major General Richard A. Huck, USMC (GR)
Major General Bradley M. Lott, USMC (GR)

2. Recorders. Colonel Richard V. Mancini, U.S. Marine Corps, and Major David S. Sylvester, U.S. Marine Corps, will jointly act as recorders. A recorder will be present during all board deliberations.

3. Administrative Personnel. The following administrative support personnel are hereby appointed:

Colonel Lee W. Freund, USMC
Colonel Christopher L. O'Connor, USMC
Mr. William A. Hicks
Major Peter L. Gillis, USMC
Mr. Robert J. Sunday
Mrs. Constance P. Ray
Captain Shunsee J. Wilson, USMCR
Captain Wendy A. Holmes, USMC
Mr. Michael D. Cheeseman
Mrs. Gracie Van Steenbergen
Mrs. Jane D. Ritchie
Mrs. Susan B. Reed
Mrs. Janet L. Ector
Chief Warrant Officer W2 Bruce J. Campbell, USMC

Gunnery Sergeant Kelvin O. Guthrie, USMC
Staff Sergeant Eric S. Green, USMC
Sergeant Timothy L. Brown, Jr., USMC
Sergeant Timothy D. Donovan, USMC
Lance Corporal Dominique A. Warren, USMC
Lance Corporal James L. Miller, USMC
Lance Corporal Blaine D. Raine, USMC
Private First Class Erik D. DeLaRosa, USMC
Private First Class Jacob T. Morse, USMC
Private First Class Lanoi Cowan, USMC
Private First Class Justin P. Hill, USMC
Private First Class Alana Blackburn, USMC
Private First Class Michael K. Burns, USMC
Private First Class Alana Blackburn, USMC

4. Date and Location. The board is ordered to convene at Headquarters, U.S. Marine Corps, Harry Lee Hall, Quantico, VA, on 15 October 2004, or as soon thereafter as practicable.

5. Guidance. The board will proceed in accordance with the following specific guidelines which are explained in detail in the enclosure.

a. Number of Selections Authorized. The board may select for promotion to the grade of major general ten eligible officers. Of the number authorized, one officer may be selected from the secondary zone. The board is not required to select to the maximum number provided.

b. Selection Standard. The board shall carefully consider without prejudice or partiality the record of every eligible officer. The officers selected will be those officers whom a majority of the members of the board consider best qualified for promotion. In addition to the standard of best qualified, the officers recommended for promotion by the board must be fully qualified; that is, each officer's qualifications and performance of duty must clearly demonstrate that the officer would be capable of performing the duties normally associated with the next higher grade. This standard applies to all eligible officers, including those senior eligible officers in the primary zone and those officers in the secondary zone.

c. Requests for Nonselection. Some promotion eligible officers may intend to leave active duty and therefore submit a written request not to be selected for promotion to the board president. Any officer who submits such a request will still be considered for promotion. Under current law, an officer who

submits a request not to be selected for promotion or who otherwise directly caused his/her nonselection through written communication to the board is not entitled to separation pay if the officer is involuntarily discharged from active duty. Accordingly, the board is required to include in its report the names of those officers considered and not recommended for promotion by the board who submitted to the board a request not to be selected for promotion or who otherwise directly caused their nonselection through written communication to the board.

d. Joint Duty Assignments. The quality of performance of officers who have served in or are serving in joint duty assignments shall be given the same weight as quality of performance in assignments within the Marine Corps.

e. Acquisition Specialists. Of particular value to the Marine Corps are officers experienced in the systems acquisition process. Officers who gain experience through multiple acquisition tours provide the Marine Corps acquisition process a unique combination of both operational experience and technical acquisition leadership. The board shall give equal weight to quality of performance by officers in these key billets as is given to quality of performance in primary specialties, including operational and command assignments.

f. Reserve Billets. The board shall consider duty as an inspector-instructor and commanding officer of a Reserve organization to be equivalent to command of like organizations of the Active Component.

g. Equal Opportunity. The board's evaluation of all officers, regardless of race, creed, color, gender, or national origin, must afford them fair and equitable consideration.

h. Marital Status. The marital status of an eligible officer or the employment, education, or volunteer service of a spouse will not be considered.

6. Additional Guidance. In addition to an explanation of the guidance in paragraph 5 above, the enclosure contains additional guidance for the board to consider in determining qualifications and selection potential. Administrative instructions and the oath for the members, recorders, and administrative support personnel are also included.

7. Confidentiality of Board Proceedings. Unless expressly authorized or required by the President, Secretary of Defense, or

myself, neither you nor any member of the board, recorder, or administrative staff may disclose the proceedings, deliberations, or recommendations of the promotion selection or continuation selection boards. All board members, recorders, and administrative staff must comply fully with these requirements, and I expect you to emphasize the need for strict confidentiality.

SUPPLEMENTAL GUIDANCE FOR
MAJOR GENERAL
PROMOTION SELECTION BOARD

1. The following oath or affirmation shall be administered to the recorders by the president of the board:

> "Do you solemnly swear (or affirm) that you will keep a true record of the proceedings of this board and, further, that you will not disclose the proceedings or recommendations thereof pertaining to the selection or nonselection of individual officers except as authorized or required by the Secretary of the Navy or higher authority, so help you God?"

The following oath or affirmation shall then be administered by the recorder to each member of the board:

> "Do you solemnly swear (or affirm) that you will perform your duties as a member of this board without prejudice or partiality, having in view both the special fitness of officers and the efficiency of the Naval Service and, further, that you will not disclose the proceedings or recommendations thereof pertaining to the selection or nonselection of individual officers except as authorized or required by the Secretary of the Navy or higher authority, so help you God?"

The following oath or affirmation shall then be administered to the administrative support personnel:

> "Do you solemnly swear (or affirm) that you will not disclose the proceedings or recommendations thereof pertaining to the selection or nonselection of individual officers except as authorized or required by the Secretary of the Navy or higher authority, so help you God?"

2. The Commandant of the Marine Corps shall furnish the board with the names and records of all officers who are eligible for consideration. The names of the officers eligible for consideration shall be determined as of the date the board convenes. The board, however, shall not consider any officer on the active-duty list who has an established separation date that is within 90 days after the date the board convenes.

3. Promotion Selection Board. The function of the board is to recommend officers of the Marine Corps on the active-duty list for promotion to the grade of major general. The officers selected will be those officers whom a majority of the members of the board consider best qualified for promotion, giving due consideration to any guidance provided in this precept concerning the needs of the Marine Corps for officers with particular skills. In addition to the foregoing standard of best qualified,

all officers recommended for promotion by the board must be fully qualified; that is, each officer's qualifications and performance of duty must clearly demonstrate that the officer would be capable of performing the duties normally associated with the next higher grade.

4. Joint Duty Assignments

a. Our ability to operate effectively with the other Services is vital to our warfighting capability. To foster this ability, a number of officers are assigned to joint duty with the Joint Staff, the other Services, and joint organizations. Board members shall give appropriate consideration to the performance of officers who are serving or have served in such assignments. To ensure our ability to conduct joint operations, the Marine Corps is firmly committed to placing as many officers as possible in joint duty assignment billets. These assignments, critical for the future success of the Marine Corps, may have resulted in a career pattern different from officers who have served exclusively in their primary military occupational specialty. In making your determination of those officers who are best and fully qualified for promotion, you should view joint duty assignments as having the same value as similar assignments within the Marine Corps (e.g., Joint Staff/Headquarters, U.S. Marine Corps and Combatant Commander staff/Marine Force staff).

b. The charter of the board is to recommend for promotion those officers who are best and fully qualified for promotion. The qualifications of officers assigned to joint duty are such that:

(1) Officers serving in or who have served on the Joint Staff are expected, as a group, to be selected for promotion at a rate not less than the rate for officers who are serving in or who have served at Headquarters, U.S. Marine Corps.

(2) Officers designated as joint specialty officers are expected, as a group, to be selected for promotion at a rate not less than the overall board average.

(3) Officers serving in or who have served in other joint duty assignment positions (other than officers covered in subparagraphs (1) and (2) above) are expected, as a group, to be selected for promotion at a rate not less than the overall board average.

(4) Officers serving in or who have served on the staff of the Secretary of Defense are expected, as a group, to be selected for promotion at a rate not less than that for officers who are serving in or have served at Headquarters Marine Corps.

c. By Secretary of Defense policy, judge advocates cannot earn joint-duty credit and are, therefore, excluded from all aspects of the joint promotion comparisons in paragraph 4b above.

5. Acquisition. The Marine Corps ability to support future operational requirements depends, in part, on senior officers who have experience and training in acquisition management (i.e., officers who possess additional MOSs 9959 or 9958). The Defense Acquisition Workforce Improvement Act requires that the qualifications of officers selected for the Acquisition Professional community are such that those officers are expected, as a group, to be promoted at a rate not less than the rate for all non-acquisition Marine Corps officers (both in the primary zone and secondary zone) in the same grade. Marine Corps manpower management practices for assignment of officers to the acquisition workforce have been designed to achieve this expectation.

6. Career Patterns. For many years, we placed a high premium on an "ideal" career track for our most promising candidates. Such tracks typically revolved around choice command assignments and emphasized the infantry and aviation communities as our prototypical paths to the general officer ranks. This is no longer true.

a. The Marine Corps has not established an expected or preferred career pattern for officers of the Regular or Reserve Component. In your deliberations you should consider that assignments are made in the best interests of the Marine Corps. Officers rarely have direct influence over their assignments. We must recognize that an outstanding candidate may not have had the "requisite" command at every level and this should not be viewed as a failing of the individual, but more likely as a fault of the institution. As a result of assignment policies and practices, in the best interests of the Marine Corps some officers have developed skills and experience outside of their primary MOS and may have been ordered to serve multiple tours in that sub-specialty. When reviewing an officer's qualifications for the next higher grade, you should also consider that the Marine Corps benefits when the officer corps possesses a broad spectrum of experiences. Assignments to the operating forces, recruiting duty, equal opportunity duty, joint and external billets, international exchange tours, the special education program or the advanced degree program, the training community, and the supporting establishment, all contribute to the depth and breadth of experiences that are critical to the Marine Corps. We must constantly consider the Corps' critical need for general officer leadership in the acquisition, command and control, information technologies, and public affairs specialties. This need reflects the reality that selection of "generalist" leadership in these arenas will not meet our needs in today's environment.

b. In addition, in some instances, utilization policies or practices, such as those based on statutory restrictions on the assignment of women, may have had an effect on career opportunities. All assignments are important to the Marine Corps, and successful performance of assigned duties is the key

in measuring an officer's potential for promotion. In determining the qualification for promotion of any officer who has been affected by such utilization policies or practices, performance in duty assignments should be given the same weight as that given to duty equally well performed by officers who were not affected by such policies or practices.

7. Equal Opportunity

a. The Department of the Navy is dedicated to equality of treatment and opportunity for all personnel without regard to race, creed, color, gender, or national origin. The Marine Corps strives to maintain a professional working environment in which a Marine's race, creed, color, gender, or national origin will not impact his or her professional opportunities. Accordingly, within this board's charter to select those officers who are "best and fully qualified," you must ensure that officers are not disadvantaged because of their race, creed, color, gender, or national origin.

b. Your evaluation of all officers must afford them fair and equitable consideration. You should be particularly vigilant in your evaluation to take care that no officer's promotion opportunity is disadvantaged by service utilization policies or practices. You should evaluate each officer's potential to assume the responsibilities of the next higher grade. The overriding evaluation factor is the performance of assigned duties and I remind you that all assigned duties are important.

c. This guidance should not be interpreted as requiring or permitting preferential treatment of any officer or group of officers on the grounds of race, creed, color, gender, or national origin.

8. When discussing your own personal knowledge concerning the professional qualifications of eligible officers, the board is reminded that if personal remarks, based on a member's personal knowledge, could be considered "adverse," the member cannot discuss his or her personal knowledge or evaluation unless such matter is contained in the officer's official record or other material placed before the board in compliance with the law and Service regulation. In addition, should an officer's record reveal the removal of a fitness report via the Performance Evaluation Review Board, Board for Correction of Naval Records, etc., the member may not discuss his or her personal knowledge regarding the circumstances which resulted in the removal of the report from the officer's record. However, documented incidents of misconduct and substandard performance which are included in an officer's official record must be briefed to all board members. Members must carefully consider each such incident in connection with their deliberations.

9. Faced with many well-qualified officers, there may be a tendency to simplify your task by summarily putting aside the

folders of officers whose past records are less than perfect. However, to do this is to fall short of your obligation. A judgment of the whole person and the whole record is required to determine whose future potential will serve the Marine Corps best. You may conclude that particular adverse information undermines an officer's ability to serve successfully in a position of increased authority and responsibility, despite an otherwise outstanding record. On the other hand, you may find that an officer's overall outstanding performance demonstrates such potential for future service that it outweighs any deficiency noted in the record. Some officers will have learned from their mistakes in ways that make them stronger; others will have strengths that outweigh relative weaknesses in their records. Make the best, not simply the most obviously defensible, choices. By doing this you will not only fulfill your obligation, you will also better serve the Marine Corps.

10. Marines are held to the highest standards of personal conduct. The Nation expects the officers of the Marine Corps to exemplify the personal and professional character upon which successful military units are built. The foundation of our character is predicated on our three Core Values: Honor, Courage, and Commitment. Accordingly, the board has a duty to forward to me the name of each officer whose record, in the opinion of a majority of the members of the board, indicates that the officer should be required to show cause for retention on active duty. The requirement to show cause can arise from substandard performance of duty, moral or professional dereliction, misconduct, or if retention is not clearly consistent with the interests of national security. The board shall provide, under separate cover signed by the president and the recorder, a supplemental memorandum containing a brief explanation of the basis for the board's opinion that an officer should be required to show cause for retention on active duty. Upon such recommendation, I have the discretion to direct a more detailed inquiry into the matter.

11. A critical goal of the Marine Corps is to encourage -- to demand -- innovation and efficiency to ensure that we retain an adaptive, flexible, and effective naval force able to anticipate events and win across the spectrum of conflict. Our institution must not restrict or limit the opportunity of any Marine to think creatively, develop new ideas, and maximize capabilities through sound management practices. In your consideration, recognize that the continued preeminence of the Marine Corps in the future is inextricably linked to its ability to change and to manage for efficiency. Our future depends on leaders who have demonstrated their awareness of this fact. Within the charter of best and fully qualified, seek to select these officers. Bear in mind that, in the context of a changing Marine Corps, the officers with the greatest capacity for innovation and management efficiency may reflect a variety of backgrounds.

12. The official military personnel records provided to the board may include medical documents relevant to an officer's physical qualifications. If the board desires clarification of any such document, then the board president should reduce the board's questions to writing and forward them to me. I will provide such clarification as may be appropriate.

13. The board president shall perform such administrative duties in connection with the board proceedings as I may prescribe. The board president has no authority to constrain the board from recommending for selection those fully qualified officers that the majority finds best qualified to meet the needs of the Marine Corps as specified by me. The board president shall ensure that paragraph 14 of this enclosure is read to each board member, recorder, and administrative support person on the convening date of the board or on the date of assignment to the board, whichever is later.

14. Per DoD Instruction (DoDInst) 1320.14 of 24 September 1996, the following instructions concerning communications and information apply to these board proceedings:

a. Each of you (president, members, recorders, and administrative support personnel) is responsible to maintain the integrity and independence of this promotion selection board, and to foster the careful consideration, without prejudice or partiality, of all eligible officers. DoDInst 1320.14 provides specific rules governing the conduct of officer promotion selection boards and the actions of promotion selection board personnel.

b. You must pay particularly close attention to the rules governing communications with and among other board members, the information authorized to be furnished to you, and the procedures you should follow if you believe that the integrity of this promotion selection board has been improperly affected.

c. You may not receive, initiate, or participate in communications or discussions involving information that DoDInst 1320.14 precludes from consideration by a promotion selection board. You are to base your recommendations on the material in each officer's military record, any information I have provided to the board in accordance with DoDInst 1320.14, and any information about his or her own record communicated to you by individual eligible officers under regulations I have issued. In your deliberations, you may discuss your own personal knowledge and evaluation of the professional qualifications of eligible officers to the extent that such matters are not precluded in law, DoDInst 1320.14, or Service regulation from consideration by a promotion selection board or inclusion in an officer's military personnel record. You may not discuss or disclose the opinion of any person not a member of the board concerning an officer being considered unless that opinion is contained in material provided to the board under the provisions of DoDInst 1320.14.

d. I am the only person who may appear in person to address you on other than administrative matters. All communications with this board, other than those that are clearly administrative, must be in writing, given to each of you, and made part of the board's record. I have designated in writing those persons authorized to provide routine administrative information to you.

e. Before the report of the selection board is signed, the recommendations may be disclosed only to members of the board, recorders, and those administrative support personnel I have designated in writing. After you sign the board report, only the recommendations of the board may be disclosed. Except as authorized by DoDInst 1320.14 and sections 616(e), 618(f), 14104, or 14108(d) of title 10, U.S. Code, the proceedings of the board may not be disclosed to any person not a board member or board recorder.

f. If at any time you believe that you cannot in good conscience perform your duties as a member of the board without prejudice or partiality, you have a duty to request relief by me from this duty. I will honor any such request. If you believe that the integrity of the board's proceedings has been affected by improper influence of military or civilian authority, misconduct by the board president or a member, or any other reason, or believe someone is exerting or attempting to exert inappropriate influence over the board or its proceedings, you have a duty to request from me or the Secretary of Defense relief from your obligation not to disclose board proceedings and, upon receiving it, to report the basis for your belief.

g. Upon the completion of the board's deliberations, you will, at a minimum, certify in your report to me that:

(1) To the best of your knowledge, the board complied with DoDInst 1320.14;

(2) That you were not subject to or aware of any censure, reprimand, or admonishment about the recommendations of the board or the exercise of any lawful function within the authorized discretion of the board;

(3) That you were not subject to or aware of any attempt to coerce or influence improperly any action in the formulation of the board's recommendations;

(4) That you were not party to or aware of any attempt at unauthorized communications;

(5) That, to the best of your knowledge, the board carefully considered the record of each officer whose name was furnished to the board;

(6) That the officers recommended for promotion are, in the opinion of the majority of the members of the board, fully qualified and best qualified to meet the needs of the Marine Corps among those officers whose names were furnished to the board;

(7) That you are aware that the names of the selectees will be released to the public after the board report is approved, and you know that you may not disclose recommended selectees until the names are released to the public; and

(8) That you understand that, except as authorized by DoDInst 1320.14 and sections 616(e), 618(f), 14104, or 14108(d) of title 10, U.S. Code, you may never disclose the proceedings and deliberations of the board to any person who is not a board member or board recorder.

15. Prior to adjournment, the board must review the extent to which the expectations of this promotion selection board guidance have been met.

16. The record of the promotion selection board's proceedings shall be prepared by the recorders and administrative support staff and shall contain at a minimum:

a. Convening notice required by title 10, U.S. Code, section 614;

b. All instructions, information, and guidance that were provided to the board, under title 10, U.S. Code, section 615 and DoDInst 1320.14, except information concerning particular officers, which must be retained and transferred to the Director, Personnel Management Division;

c. The written report of the board;

d. A list of all officers eligible for consideration;

e. A sampling of records prepared by the board president under procedures prescribed by the Commandant of the Marine Corps for use in convening special selection boards; and

f. Precept.

17. The written report of the promotion selection board shall be signed by the board president, the board members, and board recorders. The report shall contain: a list of the names of the officers it recommends for promotion; the name of any officer considered and not recommended for promotion by the board who submitted to the board a request not to be selected for promotion or who otherwise directly caused his/her nonselection through written communication to the board; the name of any officer recommended to show cause; and, the certification described in paragraph 14g. Upon completion of its proceedings, the promotion

selection board shall forward its report to the Deputy Secretary of Defense for approval via, first, the Commandant of the Marine Corps for his recommendations, second, the Judge Advocate General of the Navy for legal review, and third, me.